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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JOHNNIE LEE WALTERS,)

11 Petitioner,)

12 v.)

13 UNITED STATES OF AMERICA,)

14 Respondent.)

CASE NO. C05-854JCC
(CR04-87JCC)

ORDER DENYING PETITIONER'S
MOTION FOR APPOINTMENT
OF COUNSEL

15 This matter comes before the Court on petitioner's request for appointment of counsel. The
16 Court, having reviewed petitioner's request, and the balance of the record, does hereby find and
17 ORDER as follows:

18 (l) Petitioner's request for appointment of counsel is DENIED. There is no right to have
19 counsel appointed in cases brought under 28 U.S.C. § 2255 unless an evidentiary hearing is required.
20 *See Terrovona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164,
21 1168 (9th Cir. 1991), *cert. denied*, 503 U.S. 1011 (1992); and Rule 8(c) of the Rules Governing
22 Section § 2255 Cases in the United States District Courts.

23 The Court may exercise its discretion to appoint counsel for a financially eligible individual
24 where the "interests of justice so require." 18 U.S.C. § 3006A. However, petitioner fails to satisfy the
25 Court that the interests of justice are best served by appointment counsel at this juncture. If the Court
26 later orders an evidentiary hearing, the Court will appoint counsel if petitioner qualifies.

ORDER DENYING PETITIONER'S
REQUEST FOR APPOINTMENT
OF COUNSEL - 1

1 (2) The Clerk shall direct copies of this Order to petitioner and to the Hon. John C.
2 Coughenour.

3 DATED this 10th day of June, 2005.

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7 JAMES P. DONOHUE
8 United States Magistrate Judge
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